

**United States Bankruptcy Court
Eastern District of Michigan**

In re **Geoffrey L. Patterson
Heidi Patterson**

Debtor(s)

Case No. **11-69629-R**
Chapter **13**

NOTICE OF PROPOSED POST-CONFIRMATION PLAN MODIFICATION

Debtors have filed papers with the Court to modify their confirmed Chapter 13 Plan.

Debtors propose to modify the confirmed Plan pursuant to LBR 3015-2(b) as follows:

- The Debtors wish to excuse their 2011 income tax refund in the amount of \$1893.00. The Debtors received their 2011 tax refund on 12/24/2012. Shortly thereafter the husband lost his job in 01/2013 whereby the household income was significantly reduced due to the husband receiving unemployment income until he obtained a new job in 11/2013. The Debtors used their 2011 tax refund to pay for necessary living expenses necessary to support themselves such as various medical expenses totaling around \$644.52, vehicle maintenance and repair expenses totaling around \$826, and food. Additionally, the Debtors owed the State of Michigan \$385.00.
- The Debtors wish to excuse a portion of the \$1013 they received for their 2012 income tax refund due to their owing the State of Michigan for income taxes in the amount of \$630.00 and \$90.00 for the City of Jackson income taxes. The Debtors will send in the difference of their 2012 refund in the amount of \$293.00 to the trustee's office with in 60 days of the date of this signed order.
- The Debtors did not receive any tax refund for the tax year 2013 as the Debtors owed a total of \$2439.00 for both federal and state income taxes.

That this proposed modification has the following impact on the classes of creditors being paid by the Trustee as follows:

- a. class one administrative claims - Will not be effected as the Debtors are still making their regular scheduled plan payments, therefore there will be funds available.
- b. class two continuing claims - Will not be effected as to creditors TCF National Bank and Fifth Third Bank. TCF Bank's first mortgage will be unaffected because the funds will be available. TCF Bank's additional mortgage and Fifth Third Bank's mortgage will be unaffected as the liens were striped and these two creditors are now unsecured creditors.
- c. class three executory contracts/unexpired lease - Will not be effected as there are none.
- d. class four arrearage on continuing claims - Will not be effected as the funds are still going to be available. Therefore, payments will continue for this creditor.
- e. class five (a) secured purchase money security interest claims - Will not be effected as regular plan payments are still going to be made and funds will still be available for this creditor.
- f. class six priority unsecured claims - Will not be effected as there are none.
- g. class seven special unsecured claims - Will not be effected as there are none.
- h. class eight general unsecured claims - Will not be effected as this plan is scheduled to complete on time and therefore, creditors will receive their 0% on their duly filed claims.

In all other respects, the Order Confirming Plan referred to above shall remain in full force and effect.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the Court to allow the Proposed Post-Confirmation Plan Modification, or if you want the Court to consider your views on the Proposed Post-Confirmation Plan Modification, within twenty (21) days from the date of service of the motion, you or your attorney must:

1. File with the Court a written response or an answer, explaining your position at:¹

United States Bankruptcy Court

211 West Fort Street, Suite 2100

Detroit, Michigan 48226

If you mail your response to the Court for filing, you must also mail it early enough so the Court will receive it within the above-stated time period.

¹Response or answer must comply with F.R. Civ.P.8(b)(c) and (e)

Mail a copy to:

Office of the Chapter 13 Standing Trustee

Krispen Carroll
719 Griswold
1100 Dime Bld.
Detroit MI 48226

And

Thomas Paluchniak
Babut Law Offices, PLLC
700 Towner St.
Ypsilanti MI 48198

2. If a response or answer is timely and served, the clerk will schedule a hearing on the motion and you will be served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the notice and may allow the modification.

Dated June 25, 2014

**/s/ Thomas Paluchniak
Thomas Paluchniak
Babut Law Offices, PLLC
700 Towner Street
Ypsilanti, MI 48198
734-485-7000
pmontgomery@babutlaw.com
P70284**

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PROOF OF SERVICE

Patricia E. Montgomery, hereby certifies that on June 25, 2014 she served a
copy of the following documents:

- Notice of Proposed Post-confirmation Plan Modification (Exhibit) and
- Proof of Service

upon:

Office of the Chapter 13 Standing Trustee

Krispen Carroll
719 Griswold
1100 Dime Bld.
Detroit MI 48226

and

All parties on the attached Court matrix

via: First Class Mail

Dated: June 25, 2014

/s/ Patricia E. Montgomery
Patricia E. Montgomery
Babut Law Offices, PLLC
700 Towner Street
Ypsilanti, MI 48198
734-485-7000
pmontgomery@babutlaw.com